REMARKS

Claims 1-20 are pending in the instant application. At the outset, Applicant gratefully acknowledges the indication of allowable subject matter in claims 2, 4, 6, 9, 13-15 and 17-20. In the Office Action, claims 1, 5, 7-8, 12 and 16 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,233,347 to Chen, et al. (hereinafter, "Chen"). Claims 3, 10 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Chen in view of U.S. Patent No. 6,757,405 to Muratani, et al. (hereinafter, "Muratani"). The specification has also been objected to for minor informalities.

As amended above, paragraph [0030] (including p. 12, line 6) of the specification has been corrected as indicated by the Examiner. Favorable reconsideration and withdrawal of the objection is kindly requested.

With respect to the Examiner's request for English translations of various foreign references cited, Applicant is not in possession of full English translations of these references. Where applicable, and in accordance with Applicant's Duty of Candor, Applicant has procured and submitted partial translations of the foreign language official actions in foreign counterpart application. However, Applicant is unaware of any duty to provide full translations of foreign language references, in light of the provided translations of the foreign counterpart official actions. Moreover, to the best of Applicant's knowledge, the USPTO has significant resources available for translation of documents. In sum, Applicant is more than willing, and indeed has already, provided all English language interpretive materials readily at its disposal with the filed IDS. Notwithstanding the Examiner's request for translations, the various PTO-1449 forms

returned with the most recent Office Action are initialed by the Examiner, therefore Applicant presumes the references have been considered, and will be listed on the face of the patent when issued.

Claim 11 is amended above to correct its dependency. The amendment is solely editorial in nature, and surrenders no subject matter relative to the claim as originally filed. No new matter has been added. Since claim 11 is now dependent from claim 9, indicated as allowable, applicant respectfully submits that claim 11 is allowable as well, for at least the same reasons as claim 9. Withdrawal of the rejection of claim 11 is kindly requested.

Turning to the merits of the rejections, Applicant respectfully traverses the rejections, for at least the following reasons. Claims 1 and 7 each recite an apparatus comprising, *inter alia*, an electronic watermark pattern inserter for inserting previously generated key information pattern or patterns into a picture or pictures into which said electronic watermark pattern or patterns have been inserted. Claim 8 recites a method comprising, *inter alia*, inserting the previously provided key information pattern or patterns into a picture or pictures, into which an electronic watermark pattern or patterns have been inserted. The Office Action applies Chen, averring that the watermark signal (102) corresponds to the claimed key information pattern and apparently averring that the pre-processor (109) corresponds to the picture having a watermark signal already inserted. Applicant submits that this view is mistaken.

Chen discloses that pre-processing either the host signal (101) or the watermark signal (102) includes transforming, encoding, encrypting, smoothing, or interleaving. It does not, however, disclose that pre-processing includes the previous embedding of a

watermark signal into the host signal. Chen discloses that watermark embossing is performed by system 110A. Moreover, there is no teaching or suggestion in Chen that, as speculated in the Office Action, that pre-processing of the watermark signal (102) includes the insertion of a key information pattern. It has been held by the court that "A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim." *Rowe v. Dror*, 112 F. 3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997). However, "[The Office] may not... resort to speculation, unfounded assumptions, or hindsight reconstruction to support deficiencies in its factual basis." *In re GPAC, Inc.*, 57 F.3d 1573, 35 USPQ2d 1116, 1123 (Fed. Cir. 1995). Therefore, Applicant respectfully submits that claims 1, 7 and 8 are patentably distinguished over Chen, and kindly request that the rejection be reconsidered and withdrawn.

Claim 3 depends from claim 1, and claim 10 depends from claim 7. The rejection of claims 3 and 10 relies upon the interpretation of Chen as applied to claims 1 and 7, respectively, already obviated above. The Office Action admits that Chen offers no teaching or suggestion of analyzing an input picture for determining the insertion strength of an electronic watermark pattern. The Office Action cites Muratani as allegedly supplying these features. However, even presuming that one of ordinary skill in the art would be motivated to combine the references, neither Chen nor Muratani, taken alone or in any combination, offer any teaching or suggestion to ameliorate the deficiencies of Chen alone with respect to the underlying independent claims. It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, Applicant respectfully submits that claims 3

and 10 are patentably distinguished over the applied references. Favorable reconsideration and withdrawal of the claims is kindly requested.

Turning to the rejection of claims 5, 7, 12 and 16, each claim recites, *inter alia*, detecting a key information pattern or patterns inserted into said data of the picture along with an electronic watermark pattern or patterns. The Office Action avers that Chen teaches, at Col. 12, lines 46-63, an extractor detecting a composite signal including watermark and key information, and synchronizes the signal for extracting information and reconstructing the signals. However, the cited section of Chen teaches only the extraction and reconstruction of the watermark signal, not the detection of a key information pattern. Chen teaches that to extract the watermark, reconstruction replicates embedding values by examining a portion of the signal, or application embedding valued received *a priori*. Chen does not teach detecting key information patterns, nor detecting the watermark pattern based on parameters derived from such key information patterns. This is most clear with reference to the complementary embedding method and apparatus, where it has already been shown that Chen does not teach key information pattern embedding at all.

Therefore, Applicant respectfully submits that claims 5, 7, 12 and 16 are each patentably distinguished over Chen. See, *Rowe, supra*. Favorable reconsideration and withdrawal of the rejections is kindly requested.

In the interest of brevity, Applicant has addressed only so much of the rejection(s) as is considered necessary to demonstrate the patentability of the claim(s). Applicant's failure to address any part of the rejection should not be construed as acquiescence in the

propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability of all claims. If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, they are kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,

David J.Torrente
Registration No. 49,099

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

DJT:nf